

MINUTES

ALCOHOL AND TOBACCO COMMISSION

APRIL 1, 2008

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Connie Vickery was present as an observer.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 18, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the April 1, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

DL43-22895 FREEDOM OIL, LLC – Hearing Judge Choe stated this was a recommended denial by the Kosciusko County Local Board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. After the Findings were mailed, the Commission received petitions against the issuance of the permit. Copies of the petitions were given to the Commissioners for their consideration, along with the Findings.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and

hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Four hundred thirty-nine (439) renewals approved, eighty-two (82) new and/or transfer permits approved, nine (9) permits approved for catering, five (5) permits approved for first year escrow, four (4) permits approved for second year escrow, three (3) permits approved for third year escrow, one (1) permit approved for fourth year escrow and three (3) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL61-23238 BUCHANAN & BUCHANAN ENTERPRISES, LLC – Chairman Heath noted this is a new type 116 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to remand this application to the local board. The applicant now has an attorney. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RH53-19035 SINGH ENTERPRISE, INC., OF BLOOMINGTON – Chairman Heath noted this is a type 215 transfer of ownership application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board inquired numerous times as to who was going to run the establishment. The applicant had many opportunities to provide that information, but did not.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE - Vice Chairman Johnson moved to make eleven (11) permits inactive. Nine (9) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL82-01009 WHITEHEAD ENTERPRISES, INC. - Commissioner Guthrie noted this permit was made inactive, due to the fact that this permittee already had one permit issued to that location and two permits cannot be issued to the same location. Also, the permit had already used five years of escrow, which is all that is allowed by statute.

Commissioner Guthrie moved to reactivate the permit because the owner has a signed lease and will be ready to operate in 60 days. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

OLD BUSINESS

200 INDIANA STATE EXCISE YEAR END REPORT – Commissioner Guthrie moved to approve the report as submitted. Motion seconded by Commissioner Sturtz and it was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this _____ day of _____, 2008.

DAVE HEATH, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER